

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Patent Application No. 09/955,473

Appeal Brief No. 2009-0054

Confirmation No. 7771

Applicant: Forney et al.

Filed: September 17, 2001

TC/AU: 2174

Examiner: Ryan F. Pitaro

Docket No.: 213307

Customer No.: 23460

*Approved  
JGW 5/24*

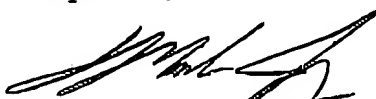
**REQUEST FOR TELEPHONIC HEARING**

Mail Stop Appeal Brief – Patents  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Hearing dated May 13, 2009 and scheduled for Thursday, June 11, 2009 at 01:00 p.m., Appellants hereby request a telephonic hearing.

Respectfully submitted,



Mark Joy, Reg. No. 35,562  
LEYDIG, VOIT & MAYER, LTD.  
Two Prudential Plaza  
180 North Stetson Ave., Suite 4900  
Chicago, Illinois 60601-6731  
(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: May 21, 2009



## UNITED STATES PATENT AND TRADEMARK OFFICE

## Board of Patent Appeals and Interferences

LEYDIG VOIT & MAYER, LTD  
TWO PRUDENTIAL PLAZA, SUITE  
4900  
180 NORTH STETSON AVENUE  
CHICAGO, IL  
60601-6731

Appeal No: 2009-0054  
Appellant: Paul W. Fornoy, Rashesh Mody et al.  
Application No: 09/955,473  
Hearing Room: A  
Hearing Docket: B  
Hearing Date: Thursday, June 11, 2009  
Hearing Time: 01:00 PM  
Location: Madison Building - East Wing  
600 Dulany Street, 9th Floor  
Alexandria, Virginia 22313-1450

**NOTICE OF HEARING**  
**CONFIRMATION REQUIRED WITHIN TWENTY-ONE DAYS**

Your attention is directed to 37 CFR § 41.47. The above identified appeal will be heard by the Board of Patent Appeals and Interferences on the date indicated. Hearings will commence at the time set and as soon as the argument in one appeal is concluded, the succeeding appeal will be taken up. The time allowed for argument is twenty minutes unless additional time is requested and permitted before the argument is commenced. If there are any inquiries, please contact the Clerk of the Board at 571-272-9797.

The application involved in this appeal has been published. Accordingly, the hearing in this appeal is open to the public.

CONFIRMATION OR WAIVER OF THE HEARING IS REQUIRED. This form must be completed below and facsimile transmitted to both: (1) the USPTO Central fax number (official copy), and (2) the Board of Patent Appeals and Interferences fax number (courtesy copy) within TWENTY-ONE (21) DAYS from the mailing date of this notice indicating confirmation or waiver of the hearing. A copy of this notice may be alternately filed by mail if facsimile is not available.

BPAI HEARINGS FAX No: (571) 273-0299

USPTO Central Fax No: (571) 273-8300

BPAI Mailing Address: Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. BOX 1450  
Alexandria, Virginia 22313-1450

In all communications relating to this appeal, please identify the appeal by its number.

CHECK ONE: ( ) HEARING ATTENDANCE CONFIRMED ( ) HEARING ATTENDANCE WAIVED

Signature of Attorney/Agent/Appellant

Date

Registration No.

Names of other visitors expected to accompany counsel:

For information on visitor access to hearing rooms and security procedures at the USPTO Alexandria Campus, see  
[http://www.uspto.gov/web/offices/dcmi/acounsel/contact.htm#final\\_contacts](http://www.uspto.gov/web/offices/dcmi/acounsel/contact.htm#final_contacts)

LAW OFFICES  
**LEYDIG, VOIT & MAYER, LTD.**  
TWO PRUDENTIAL PLAZA, SUITE 4900  
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

TELECOPY: (312) 616-5700 (G3)  
(312) 849-0495 (G4)**FACSIMILE COVER SHEET**

DATE: MAY 21, 2009

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET): **3**

TIME:

YOUR REFERENCE: 09/955,473

OUR REFERENCE: 213307

TO: BOARD OF PATENT APPEALS  
& INTERFERENCES

TO: USPTO CENTRAL FAX

TELEPHONE NUMBER:

FACSIMILE NUMBER: ((571) 273-0299

(571) 273-8300

FROM: MARK JOY

DIRECT LINE: (312) 616-5673

MESSAGE: APPEAL No. 2009-0054  
APPLICANT: Forney et al.1

A confirmation copy of the transmitted document will:

- ☒ Not be sent. This will be the only form of delivery of the transmitted document.  
☐ Be sent via First Class/Air Mail.  
☐ Be sent via Overnight Courier

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.